

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

STATE OF NEW JERSEY.

Plaintiff,

$$V_{\bullet}$$

UNITED STATES DEPARTMENT OF
TRANSPORTATION, *et al.*,

Defendants,

and

METROPOLITAN TRANSPORTATION
AUTHORITY, *et al.*,

Defendant-Intervenors.

No. 23-3885 (LMG-LDW)

FEDERAL DEFENDANTS' RESPONSE

As requested by the Court's May 9, 2025 Order, ECF No. 253, Federal Defendants provide notice that they concur with Defendant-Intervenors' Order to Show Cause to Extend Briefing Schedule on Plaintiff's Motion to Supplement the Complaint, ECF No. 230.

Specifically, Federal Defendants believe staying consideration of Plaintiff's Motion to Supplement the Complaint, ECF No. 227, pending a final determination from this Court on remand would best preserve the Court and the Parties' resources. This is because the scope of the Court's remand decision will likely inform the extent to which supplementation of the Complaint is appropriate, if at all, particularly in light of the recent decision in *Chan v. U.S. Dep't of Transp.*, No. 23-10365, 2025 WL 1144703 (S.D.N.Y. Apr. 17, 2025) (ECF No. 250-1), which addressed the merits of claims similar to those proposed in Plaintiff's request to

supplement. *See id.* at *24-43. Further, an extension may permit the Court to address Plaintiff's request in light of proceedings in *Metro. Transp. Auth. v. Duffy*, No. 25-1413 (S.D.N.Y.), *see* 2025 WL 1513369, at *2 (May 28, 2025) (ECF No. 254-1) (indicating the court anticipates issuing a final judgment before the end of the year), including whether Plaintiff still has a live claim at the time the Court reaches Plaintiff's Motion to Supplement.

In sum, Federal Defendants agree that it is appropriate to first reach the conclusion of the ongoing remand proceedings before the Court addresses Plaintiff's request.

Respectfully submitted this 30th day of May 2025,

ADAM R.F. GUSTAFSON
Acting Assistant Attorney General
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Environment & Natural Resources Division

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